

MINUTES
ZONING COMMISSION
MARCH 6, 2013 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Hudecek, Marquardt, Sutherland
Alternate members present: Sayer
Absent: French, O'Neill
Staff present: Cullen, Glemboski, Trask

Chairperson Sutherland called the meeting to order at 7:00 p.m. and sat Sayer for French

II. PUBLIC HEARING

1. Special Permit #331, 0 Welles Road, Elm Grove Cemetery Association. Proposal to use as an Earth Products Processing facility. Review is per Section 8.3 and 7.1-10 of the Zoning Regulations. PIN 271013241498, RU-80 Zone

The Public Hearing was opened at 7:01 p.m. with Commissioner Hudecek reading the legal ad.

James Davis, Elm Grove Earth Products Processing Facility, addressed the Commission requesting the Special Permit.

Staff noted that Chairperson Sutherland has visited the site. In December 2007 a special permit was granted for this same use. The Economic Development Commission reviewed this application and had no comment. The Conservation Commission issued a comment that was read into the record. Staff noted that a large amount of the equipment being stored on the site has been removed; only what is utilized in conjunction with the cemetery remains.

Dennis Allen, 2710 Gold Star Highway, brought his concerns before the Commission.

The Public Hearing was closed at 7:14 p.m.

2. Special Permit #333, 7 Water Street, Pizzetta. Proposal is for the addition of 680 +/- sf of seasonal outdoor dining area adjacent to the existing seasonal patio dining area. Review is per Sections 6.3 and 8.3 of the Zoning Regulations. PIN 261918307563, WDD Zone. (Gary Hobert, Applicant)

The Public Hearing was opened at 7:14 p.m. with Chairperson Sutherland reading the legal ad.

Seamus Moran, Indigo Land Design, addressed the Commission requesting the Special Permit. He noted that the outdoor seating was added last summer without the proper approvals; they are hoping to remedy that situation with this permit.

Joe Wren, Indigo Land Design, addressed the Commission discussing the history of the site; on May 2, 2007 Special Permit #297 was issued for this restaurant. He also discussed parking, hours of operation, months of operation, the coastal area management application. He submitted 26 letters of support from residents in Mystic for the record.

Gary Hobert, applicant, and the Commission discussed noise level, hours of operation for music, speakers and the fence.

Mr. Moran and the Commission discussed parking and the proposed participation in the Mystic Arts Center validation program when outdoor seating is in operation.

Staff handed out a copy and read an email from Judy Caracausa from the Powerhouse Condominiums regarding the volume of the music. The Fire Marshal had no objections with the application as it stands.

The following residents spoke in favor of the application:

- Marie Wiley, 18 Hillside Avenue.
- Scott & Jane Delaporta, 182 Flanders Road.
- Dana Lesky, Mystic business owner.
- Mary Kate Lynch, 25 Fishers View Drive.
- Precious Putnam, 65 New London Road.
- Greg Scheurer, 64 Warren Avenue.
- Sara Moriarty, 30 Fishers View Drive.
- Aaron Simoncini, 65 New London Road.

David Kay, 37 Steamboat Wharf, spoke in opposition of the application and submitted copies of email communication with the Zoning Official.

The following residents spoke in opposition of the application.

- Pete Beers, 31 Steamboat Wharf.
- Joyce Kay, 37 Steamboat Wharf.
- Marshal Udin, president of Steamboat Wharf Association.

The applicant, Gary Hobert, spoke to the Commission regarding music and hours of operation of outdoor seating.

The Commission requested information on what various restaurants are permitted to do in the Downtown Mystic area as far as outdoor music is concerned.

MOTION: To table the public hearing.

Motion made by Hudecek, seconded by Sutherland. Motion passed unanimously.

III. APPROVAL OF THE MINUTES OF meeting of February 6, 2013.

MOTION: To approve the minutes of February 6, 2013 as written.

Motion made by Sayer, seconded by Marquardt. Motion passed 3-0-1, with Hudecek abstaining.

IV. CONSIDERATION OF PUBLIC HEARING

1. Special Permit #331, 0 Welles Road, Elm Grove Cemetery Association

MOTION: To approve Special Permit #331, Elm Grove Cemetery Association, PIN#271013241498, for an earth products processing facility with the following conditions:

1. This permit is for the exclusive use of the Elm Grove Cemetery Association and all activities are associated with the care and maintenance of the cemetery itself.
2. This permit is for processing a maximum of 150,000 cubic yards and the disturbance will be concentrated to the center of the property as depicted on the plan.
3. Hours of Operation will be from 7:30 am to 4:00 pm from Monday through Friday.
4. Stockpiles will contain only items utilized in conjunction with cemetery operations.
5. No rock crushing will occur on site.
6. This permit shall expire in a five year time period. The Zoning Commission may renew the permit at its discretion.
7. The scope of this permit shall also include as an incidental and ancillary subordinate use, and subject to all other limitations imposed herein on the principal use, earth processing and storage of materials related to and for the exclusive use of Lower Mystic Cemetery Association and Whitehall Burial Ground. Said subordinate uses shall be clearly distinguishable from those of the Permittee, shall only be undertaken by the Permittee, and shall be exclusively related to the principal operations of the above two identified businesses in their present locations and scope of operations.

Motion made by Marquardt, seconded by Hudecek. Motion passed unanimously.

The Commission noted that the project complies with Sections 8.3-8 and Section 7.1-10 of the Zoning Regulations in that it meets all zoning requirements and conforms to the Plan of Conservation and Development.

2. Special Permit #333, 7 Water Street, Pizzetta - none

V. PUBLIC COMMUNICATIONS

Jim Furlong, 57 Fishtown Lane, spoke to the Commission regarding Connecticut General Statute 8-2(b).

VI. OLD BUSINESS

1. Discussion of Draft Text Amendments to Zoning Regulations for Section 8.3 and to incorporate Connecticut General Statutes 8-2(b)

The Commission and Staff discussed and suggested changes to the Draft Text Amendments to Zoning Regulations for Sections 1 and 8.3.

MOTION: The Zoning Commission has concluded their review of the draft text amendments and is ready to make application

Motion made by Sayer, seconded by Marquardt. Motion passed unanimously.

2. Discussion of Revisions to Zoning Regulations for Buildable Land Definition and WRPD

Staff handed out a packet of background information from the 2002 POCD and the Zoning Regulations on buildable land for the Commission to review.

3. POCD Update Report

They had a Steering Committee meeting on February 21, 2013 where they discussed the land use inventory, historic and cultural districts, transportation and the web page. The next meeting of the Committee will be on March 21, 2013. They will hold a public information meeting on May 15, 2013.

4. Land Use Regulation Update Project - none

VII. NEW BUSINESS

1. Request for extension of Special Permit #183, Giordano Excavation, Gales Ferry Road

Michael Giordano, briefly addressed the Commission discussing the history of the site.

MOTION: To approve a 4 year extension of Special Permit #183, Giordano Excavation, Gales Ferry Road

Motion made by Hudecek, seconded by Marquardt. Motion passed unanimously.

2. Modified Flood Hazard Determinations (FHDs) affecting the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for the Town of Groton

Staff handed out a packet of information for the Commission to review for the next meeting.

3. Report of Commission - none

4. New Applications - none

VIII. REPORT OF CHAIR

Chairperson Sutherland noted that Commissioner Cady has resigned from the Zoning Commission. She also circulated a card for Commissioner O'Neill.

IX. REPORT OF STAFF

Staff noted that the Economic Development Specialist Kristin Havrilla Clark has been hired and will start in April.

X. ADJOURNMENT

Motion to adjourn at 9:40 p.m. made by Hudecek, seconded by Marquardt, so voted unanimously.

Susan Sayer, Acting Secretary
Zoning Commission

Prepared by Katie Trask
Office Assistant II